

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00091-RJC

FELESHIA MICHELLE MANEY,)
)
Plaintiff,)
)
vs.)
)
)
COMMISSIONER OF SOCIAL)
SECURITY,)
)
Defendant.)

)

ORDER

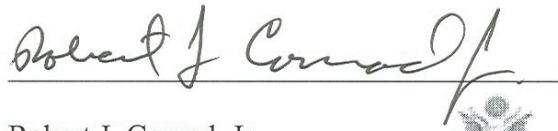
THIS MATTER is before the Court on Plaintiff's "Motion to Dismiss Civil Action Pursuant to Rule 41(a)(2) Federal Rules of Civil Procedure." (Doc. No. 8). Plaintiff moves this Court to dismiss her civil action, with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. (*Id.* at 1). Plaintiff's counsel did not represent Plaintiff at the hearing before the ALJ and has carefully reviewed the administrative record and recent applicable cases from the U.S. Court of Appeals for the Fourth Circuit. (*Id.*). Plaintiff has voluntarily concluded that "given the facts presented in this record and the case law, this appeal should be dismissed with prejudice, as the appeal cannot be sustained on this administrative record." (*Id.*). Plaintiff has consulted with counsel for Defendant, who does not object to the filing of the motion. (*Id.*). Unless ordered otherwise, voluntary dismissal under Rule 41(a)(2) is without prejudice. Fed. R. Civ. P. 41(a)(2). However, Plaintiff's motion

requests that the Court dismiss the case with prejudice. (*Id.*). Therefore, pursuant to Rule 41(a)(2), the Court will dismiss Plaintiff's action with prejudice.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Unopposed Motion to Dismiss, (Doc. No. 8), is **GRANTED**;
2. The Clerk of Court is directed to close this case.

Signed: October 28, 2024



Robert J. Conrad, Jr.
United States District Judge